

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DANIEL W. HUSTED

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Appeal No. 98-1960  
Application No. 08/673,921<sup>1</sup>

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ON BRIEF

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Before CALVERT, COHEN, and FRANKFORT, Administrative Patent Judges.

COHEN, Administrative Patent Judge.

DECISION ON APPEAL

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<sup>1</sup> Application for patent filed July 1, 1996.

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This is an appeal from the final rejection of claims 1 through 13 and 20 through 22. Claims 14 through 19, the only other claims remaining in the application, stand objected to as being dependent upon a rejected base claim, but would be

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allowable, according to the examiner, if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Appellant's invention pertains to a vehicle seat assembly having an armrest assembly. An understanding of the invention can be derived from a reading of exemplary claim 1, a copy of which appears in the APPENDIX to the brief (Paper No. 8).

As evidence, the examiner has applied the documents listed

below:

Neale	3,166,080	Jan. 19,
1965		
Ohshima et al. (Ohshima)	5,109,571	May
5, 1992		

The following rejections are before us for review.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Neale.

Claims 2 through 13 and 20 through 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Neale in view of Ohshima.

The full text of the examiner's rejections and response to the argument presented by appellant appears in the answer

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(Paper No. 9), while the complete statement of appellant's argument can be found in the brief (Paper No. 8).

In the brief (page 4), appellant notes the separate rejection of claim 1 and indicates that as to the rejection of

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claims 2 through 13 and 20 through 22, the claims stand or fall together. Accordingly, as to the latter rejection, claim 2 is selected for review, and claims 3 through 13 and 20 through 22 shall stand or fall therewith. We, therefore, focus our attention exclusively upon claims 1 and 2, infra.

#### OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered appellant's specification and claims,<sup>2</sup> the applied patents,<sup>3</sup> and

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<sup>2</sup> In light of the underlying disclosure (specification, page 6), we understand the recitation of a "second" abutment relative to the detent in claim 2, notwithstanding that a first abutment has not been claimed.

<sup>3</sup> In our evaluation of the applied patents, we have considered all of the disclosure thereof for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determinations which follow.

The anticipation rejection

We reverse the examiner's rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Neale.

Claim 1 requires, inter alia, a "detent" disposed on a shaft for engaging a bin and rotatable about the shaft with a cover for retaining the cover in at least one detent position, and with a spring biasing the detent axially against the bin.

As we see it, the patent to Neale fails to teach a detent, in particular, as now claimed.<sup>4</sup>

In the answer (pages 3 and 5), the examiner refers to element 19 of Neale as a detent. However, the patentee discloses a pair of hinge knuckles 19, not detents, attached to the body 10. Similarly, the lid 11 of Neale includes a pair of knuckles, and a bridge piece 25 likewise includes a pair of knuckles 24. A hinge pin or rod 23 passes through the

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<sup>4</sup> A detent is a device (as a catch, dog, or spring-operated ball) for positioning and holding one mechanical part in relation to another so that the device can be released by force applied to one of the parts. Webster's New Collegiate Dictionary, G.&C. Merriam Company, Springfield, Massachusetts, 1979. The disclosed detent is consistent with this definition.

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specified knuckles. A torsion spring 26 is located between the knuckles 24 and has tails abutting the lid and the bridge piece, respectively. The torsion spring 26 of Neale does not bias a detent axially against a body (bin), as now claimed. We note that a releasable catch mechanism 29, 32 can hold the lid in a snapped shut



position on the body (Figures 1 and 5). The lid flies open under the influence of the torsion spring 26 when the catch mechanism is released (column 1, lines 47 through 51 and column 2, lines 15 through 17).<sup>5</sup> For the above reasons, the subject matter of claim 1 is not anticipated by the Neale teaching.

The obviousness rejection

We reverse the examiner's rejection of claims 2 through 13 and 20 through 22 under 35 U.S.C. § 103 as being unpatentable over Neale in view of Ohshima.

Dependent claim 2 adds the limitation of the detent including a second abutment for mechanical interlocking engagement with a spring whereby the detent rotates with the spring.

The combined teachings of Neale and Ohshima would not have been suggestive of the content of claim 2, which claim incorporates the subject matter of parent claim 1.

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<sup>5</sup> The Neale disclosure is akin to the prior art spring-biased covers described by appellant (specification, pages 1 and 2).

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The examiner (answer, page 3) refers to the movable cam 9 of Ohshima as a movable detent, and the groove 6c as a second abutment in the detent. However, groove 6c is disposed in the fixed cam 6, not the movable cam 9. Thus, groove 6c is not a second abutment in the detent, as pointed out by appellant (brief, page 7). It follows that, as to the added limitation of claim 2, the applied prior art would not have been suggestive thereof. Additionally, we note that the movable cam 9 (detent) of Ohshima is not rotatable relative to the shaft 8, whereas a limitation of appellant's independent claim 1 requires the detent to be rotatable about the shaft. The combined teachings of Neale and Ohshima, therefore, would not have suggested the claimed invention to one having ordinary skill in the art.

In summary, this panel of the board has:  
reversed the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Neale; and  
reversed the rejection of claims 2 through 13 and 20 through 22 under 35 U.S.C. § 103 as being unpatentable over Neale in view of Ohshima.

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The decision of the examiner is reversed.

REVERSED

IAN A. CALVERT	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
IRWIN CHARLES COHEN	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
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CHARLES E. FRANKFORT	)	
Administrative Patent Judge	)	

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REVERSED

Prepared: April 12, 2000